

REMARKS

This Amendment is filed in response to the Official Action mailed May 7, 2007. The shortened statutory period for responding having expired on August 7, 2007, Applicants submit herewith a one-month extension petition to reset the deadline for responding to and including September 7, 2007. Applicants submit herewith a Request for Continued Examination ("RCE") in light of the finality of the referenced Official Action. In view of the following amendments and remarks, reconsideration of the Examiner's rejections and Notice of Allowance of all pending claims is respectfully requested.

Claims 1-21 are currently pending in this application. Of claims 1-21, only claim 1 is independent, with the remainder of the claims ultimately depending therefrom. Applicants have amended claim 1 to further clarify that aspect of Applicants' invention intended to be claimed by claim 1. Applicants have also amended claims 17, 19, and 21 in response to claim objections set forth by the Examiner. No new claims have been added. Claims 1-21 therefore remain the only pending claims.

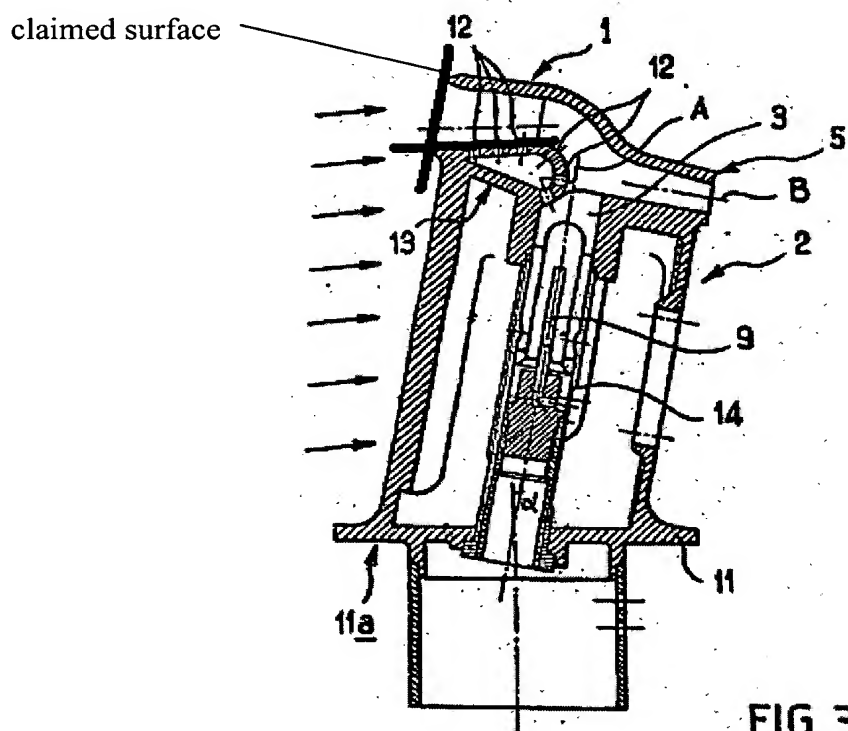
In the outstanding Official Action, the Examiner indicated her withdrawal of the prior restriction requirement and drawing objections. Applicants express their appreciation for same.

The Examiner also set forth an objection to claims 17, 19, and 21, under the contention that "the longitudinal axis" feature of such claims lacks antecedent basis. Applicants have amended claims 17, 19, and 21 to provide that the streamlined body include a longitudinal axis, which is believed to overcome the Examiner's objection. Accordingly, reconsideration of the Examiner's objection is earnestly solicited.

Moving to the prior art based rejections, the Examiner rejected claims 1-3, 8, 10, and 14 under 35 U.S.C. §102(b) as being anticipated by *Phillips* (U.S. Patent 5,302,026). The

Examiner also rejected claims 4-7, 9, 11-13, and 15-21 under 35 U.S.C §103(a) as being obvious over *Phillips* alone. In making such rejections, the Examiner concludes that *Phillips* discloses "a fixing flange having a bearing surface defining a fixing plane for the sensor" and that "the inlet section of the intake extends so as to define a surface that slopes with respect to a surface perpendicular to the fixing plane."

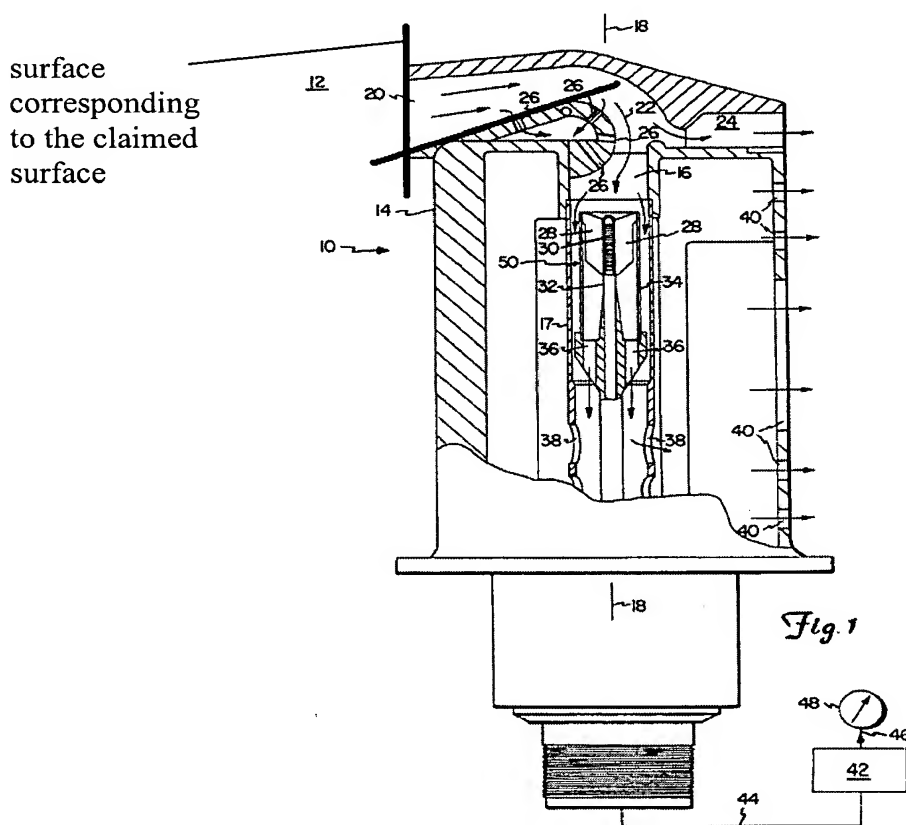
It appears from this statement that the surface which Applicants' intend to claim is not the same surface against which the Examiner is applying the rejection. An annotated version of Figure 3 from the present application is reproduced below for exhibit purposes.



**FIG. 3**

As shown above, the surface that Applicants intend to claim as extending "so as to define a surface that slopes with respect to a surface perpendicular to the fixing plane," is the nearly vertical (but not vertical) surface identified by the thick black line as the "claimed surface." It appears that the

nearly horizontal surface identified by the other thick black line is the surface against which the Examiner applied the *Phillips* reference. Applicants come to this conclusion because it is abundantly clear that *Phillips* does not include a nearly vertical (but not vertical) surface corresponding to the "claimed surface." An annotated version of Figure 1 from the *Phillips* reference is provided below.



As clearly demonstrated, the surface corresponding to the claimed surface is the completely vertical surface identified by the thick black line. Meanwhile, it appears from the rejection that the Examiner applied the other surface identified by the thick black line. It is conceded that this second surface does slope with respect to "a surface perpendicular to the fixing plane."

In order to clarify any misconceptions that may arise as to exactly which surface Applicants' are attempting to claim as sloping with respect to a surface perpendicular to the fixing plain, claim 1 has been amended. As amended, claim 1 defines an invention where "the sensor comprises a fixing flange having a bearing surface defining a fixing plane for the sensor, and wherein the leading edge of said inlet section of said fluid intake extends so as to define a surface that slopes with respect to a surface perpendicular to the fixing plane." (Emphasis provided to identify the amended portions.) By applying "the leading edge" language, Applicants are claiming the exterior surface forming the edge or entrance of the inlet section, and not an interior surface.

There can be no doubt that *Phillips* fails to teach such a sloping surface, and it is believed that the §102 based rejection of claims 1-3, 8, 10, and 14 should be withdrawn. Accordingly, Applicants respect reconsideration of such rejection, and allowance of those currently rejected claims.

It is additionally noted that claims 2-3, 8, 10, and 14 are believed to include patentable subject matter beyond that which is solely found in claim 1.

Moving to the §103 rejections, Applicants note that without claim 1 alone being anticipated by the *Phillips* reference, the *Phillips* reference may not be applied as suggested by the Examiner to render claims 4-7, 9, 11-13, and 15-21 obvious, and such claims are believed to be allowable over the *Phillips* reference. Further, it is firmly believed that it would not have been obvious to provide a sloping surface at the entryway of *Phillips*, particularly in light of the previously untapped technical advantages provided by the present invention. As such, it is firmly believed that claims 4-7, 9, 11-13, and 15-21 are allowable over the present claims, as amended.

Notwithstanding the discussed allowability of claims 4-7, 9, 11-13, and 15-21 based on the requested allowance of

claim 1, it is further believed that claims 4-7, 9, 11-13, and 15-21 include additional patentable subject matter beyond that of claim 1 alone.

Lastly, the Examiner makes note that the application claims joint inventors, and that in considering certain rejections, Applicants must advise the Examiner of the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made. In response, Applicants note that the subject matter of the various claims was commonly owned at the time each of the inventions covered thereby were made.

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited.

If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that he/she telephone Applicants' attorney at (908) 654-5000 in order to overcome any additional objections which he might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

Dated: August 24, 2007

Respectfully submitted,

By 

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